



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:
(860) 594-2864

DOCKET NUMBER 2301-C-11-HG

RE: IN THE MATTER OF THE CITATION OF BIVELACQUE
LOGISTICS, LLC DBA FINISH LINE MOVERS

DECISION

MARCH 16, 2023

I. INTRODUCTION

A. General

By citation dated February 8, 2023, by the Department of Transportation (hereinafter “department”), pursuant to Connecticut General Statutes Section 13b-410 and 13b-414 as amended, Bivelacque Logistics LLC dba Finish Line Movers (“respondent”), holder of Certificate Number 1799, was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear by telephone to show cause why Certificate Number 1799, issued for the operation of a household goods motor carrier, should not be suspended, or revoked or a civil penalty imposed for violation of its household certificate pursuant to Connecticut General Statutes Section 13b-410 and 13b-414.

It is alleged that the certificate holder is in violation of the following Connecticut General Statutes and/or regulations:

- CGS, Section 13b-392 (Formerly Sec. 16-286): Considerations for granting certificate: suitability.
- CGS, Section 13b-410c(b) (Formerly Sec.16-288): Intrastate household goods carrier certificate. Intrastate motor contract carrier permit. Application. Fee. Regulations re annual fee for filing proof of insurance.
- CGS, Section 13b-410 (Formerly Sec. 16-304): Jurisdiction of Commissioner. Penalties.
- RCSA, Section 16-304-F22: Identification stamp.
- RCSA, Section 16-304-F23: Application for identification stamps.
- RCSA, Section 16-304-F24: List of vehicles operated.

The alleged incident in question violates the terms of the certificate which requires the certificate holder to comply with all pertinent motor vehicle laws and other statutes, and/or rules, regulations, and orders of the department.

More specifically, on January 3, 2023, the department received an annual household goods intrastate mover application and a check payable for seventeen dollars and fifty cents from Bivelacque Logistics, LLC dba Finish Line Movers. Two days later the check was returned to the department as a “bad check” by the bank. The Regulatory and Compliance Unit made multiple attempts to contact the certificate holder in the subsequent days and discovered that the contact information on file was invalid. After investigating the alleged incident, the department has determined that this certificate is out of compliance and the findings of the investigation give the department cause to challenge the suitability of the management for this certificate.

The citation was served upon the respondent at 3533 S.E. Gay Court, Port Saint Lucie, FL 34984 by certified mail and recited the department’s reasons for issuing it.

B. Hearing Held

Pursuant to Section 13b-410 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on March 7, 2023. Notice of the citation and the hearing to be held thereon was given to the respondent and to such other parties as required by Connecticut General Statutes Section 13b-414 and 13b-407, as amended.

The hearing on this matter was conducted by a hearing officer designated by the Commissioner of Transportation, pursuant to Section 13b-17 of the Connecticut General Statutes.

C. Appearances

John Bivelacque appeared pro se at the hearing. The respondent's mailing address is 3533 S.E. Gay Court, Port Saint Lucie, FL 34984.

Chris Russell, License and Application Analyst, for the Regulatory and Compliance Unit, presented the department's case in this matter.

Felipe Briseno, Staff Attorney 3 with the Regulatory & Compliance Unit also presented the department's case in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1799 standing in the name of Bivelacque Logistics, LLC dba Finish Line Movers.

2. On January 3, 2023, the department received an annual household goods intrastate application and a check for \$17.50.

3. When the bad check was returned to the department, numerous attempts were made to contact the respondent by email and telephone which failed.

4. The respondent failed to change its mailing address with the department.

5. The respondent's new mailing address is 3533 S.E. Gay Court, Port Saint Lucie, FL 34984.

6. For a time, neither respondent's telephone at 475-775-5294 and its email address at info@finishlinemovers.com were working.

7. The Regulatory & Compliance Unit have suggested a \$400 civil penalty for the violations in addition to the respondent resending a valid check for \$17.50 for the cab card.

8. The Regulatory & Compliance Unit will update the respondent's mailing address.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in household goods service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-410 and 13b-414, as amended.

Pursuant to Connecticut General Statutes Section 13b-410, the department may amend or for sufficient cause suspend or revoke any such permit. Further, the department may impose a civil penalty on any person who violates any provision of the governing chapter, or any regulation adopted under Section 13b-389 through 13b-415, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

A review of the record shows that the respondent issued a bad check the department and had not updated its mailing address. As a result, the respondent is in violation of several statutes and regulations as charged.

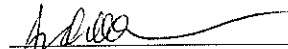
IV. ORDER

Based on the above, Certificate 1799, standing in the name of Bivelacque Logistics LLC dba Finish Line Movers will receive a civil penalty of \$400. The respondent must pay the civil penalty of \$400 by certified check, bank check or money order made payable to the Treasurer, State of Connecticut to the Regulatory & Compliance Unit due on April 10, 2023. The respondent must also pay by April 10, 2023, a separate check of \$17.50 to replace the bad check it sent to the department.

This decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 16th day of March 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration